

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Final Office Action mailed on October 2, 2006, and the references cited therewith.

Claims 35, 39, 45, and 48-51 are amended, claims 1-34, 36, 44, and 47 are canceled, and claims 53-62 are added; as a result, claims 35, 37-43, 45-46, and 48-62 are now pending in this application.

Applicant respectfully submits that claims 53-62 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

#### **Drawings**

Applicant thanks the Examiner for confirmation that the Petition filed under 37 CFR. 1.84(a) (2) for color photographs and color drawings is acknowledged and has been granted. However, applicant believes the Office Action Summary incorrectly indicates the drawings are objected to by the Examiner. Further confirmation of acceptance of the drawings is respectfully requested in the next office action.

#### **Election/Restriction**

Examiner states that newly submitted claims 47-52 are directed to an invention that is independent or distinct from the inventions originally claims and therefore are withdrawn. Applicant has canceled claim 47 and amended claims 48-52 to depend from allowable claims. Accordingly, these claims are now in condition for allowance and reconsideration and withdrawal of the restriction is respectfully requested.

#### **Claim Objections**

Claims 39-44 and 46 are objected to because of the following informalities: regarding claim 39, line 6, the citation "and wherein each semi-public" should read – and wherein each said semi-public--. Claims 40-44 and 46 depending from claim 39

and are also objected to. Appropriate correction has been made. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

§ 112 Rejection of the Claims

Claim 41 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 41 depends from independent claim 39. Claim 39 has been amended to include a number of levels with each level having an atrium. Accordingly, claim 41 is no longer indefinite, and therefore, reconsideration and withdrawal of the §112 rejection of claim 41 is respectfully requested.

§ 102 Rejection of the Claims

Claims 35, 39-41, 43, and 46 were rejected under 35 USC §102(b) as being anticipated by Poehler (U.S. Patent No. 6,182,408).

Claim 35

Claim 35 was amended to include the limitations of allowable claim 36. (Claim 36 was objected to, but would be allowable if rewritten to include all the limitations of the base and intervening claims.) Claim 35 was also amended to remove the term "primary". It is believed that this term is not necessary for patentability. Accordingly, amended claim 35 is in condition for allowance, and therefore, reconsideration and withdrawal of the §102(b) rejection of claim 35 and all claims that depend therefrom is respectfully requested.

Claim 39

Claim 39 was amended to include the limitations of allowable claim 44. (Claim 44 was objected to, but would be allowable if rewritten to include all the limitations of the base and intervening claims.) Claim 39 was also amended to remove the term "primary". It is believed that this term is not necessary for patentability. Accordingly, amended claim 39 is in condition for allowance, and

therefore, reconsideration and withdrawal of the §102(b) rejection of claim 39 and all claims that depend therefrom is respectfully requested.

Claims 40, 41, 43, and 46

Claims 40, 41, 43, and 46 depend from independent claim 39. For the reasons presented above with respect to claim 39, amended claim 39 is in condition for allowance, and therefore, reconsideration and withdrawal of the §102(b) rejection of claims 40, 41, 43, and 46 is respectfully requested.

§103 Rejection of the Claims

Claims 38 and 42 were rejected under 35 USC § 103(a) as being unpatentable over Poehler (U.S. Patent No. 6,182,408).

Claim 38

Claim 38 depends from independent claim 35. For the reasons presented above with respect to claim 35, amended claim 35 is in condition for allowance, and therefore, reconsideration and withdrawal of the §103(a) rejection of claim 38 is respectfully requested.

Claim 42

Claim 42 depends from claim 41 which depends from independent claim 39. For the reasons presented above with respect to claim 39, amended claim 39 is in condition for allowance, and therefore, reconsideration and withdrawal of the §103(a) rejection of claim 42 is respectfully requested.

Allowable Subject Matter

Applicant notes, with appreciation, the allowable subject matter of claims 36-37 and 44-45. Claims 36-37 and 44-45 were objected to as being dependent upon a rejected base claims, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As presented above, the limitations of claims 36, 37, and 44 were incorporated into independent claims 35, 53, and 39, respectively. Also, claim

45 was amended to depend from amended claim 35, which is condition for allowance, and therefore, claim 45 is also in condition for allowance.

*New Claims*

Claims 53-62 have been provided to claim further allowable aspects of the present disclosure. Independent claim 53 includes the limitations of allowable claim 37 with the exception of the term "primary". Accordingly, Applicant believes claim 53 is in condition for allowance and consideration and allowance is respectfully requested. Claims 54-62 depend from one of the allowable independent claims 35, 39, or 53 and, therefore, are also deemed allowable. Consideration and allowance of these claims is also respectfully requested.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AF Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 1st day of December, 2006.

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